

ARTICLE 85.

1. Any one who incites or helps a child placed out in virtue of the present law to run away shall be punished, in so far as the nature of the offence does not involve a heavier punishment, by being sent to prison, or should such help given have been of less consequence by the infliction of a fine.

2. Any one who, being aware that a child, who has been put out in virtue of the present law, has run away, shall hide such child or abet him in his running away, shall be punished by the infliction of a fine or be sent to prison.

ARTICLE 86.

Any one who assaults or threatens either a superintendent, teacher or assistant connected with an accredited training establishment, or a member of a tutelary council, a supervisory guardian duly appointed or any one working in co-operation with a tutelary council in the exercise of the duties he has to carry out, or when carrying them out, shall be punished by a term of penal servitude, not to exceed two years, or by imprisonment, or in case of mitigating circumstances by a fine.

ARTICLE 87.

Any infringement of what is laid down in virtue of Article 69 or of the provisions of Article 70 shall be punished by the infliction of a fine.

ARTICLE 88.

Cases referred to by Article 87 are to be treated as police court cases. For all the other cases the application of the penal provisions referred to above shall be regulated by what is laid down in the Penal Law of Feb. 10, 1866, and the additional provisions added thereto later on.

CHAPTER IX

Payment of experts.

ARTICLE 89.

The Public Treasury shall undertake to pay:—

(a) The salaries of the president of the Central Tutelary Council of the inspector general of training homes and of inspectors connected with the Central Inspection Service;

(b) The remuneration of the members of the central tutelary council and all co-operation expenses, all expenditure connected with the office of the central tutelary council, as well as the expenses of the inspector general of training institutions;

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c) Pension til Formand og Næstformand for Værgeraadet i København samt Chefen for dettes Kontor.

d) Udgifter ved fast Lægetilsyn med Børn anbragte i anerkendte Opdragelseshjem, jfr. § 48.

§ 90.

Af Statskassen udredes endvidere Udgifter ved Anbringelse udenfor Hjemmet af Børn over 15 Aar samt ved Børns Anbringelse i Ungdomshjem.

§ 91.

Der stilles aarlig af Statskassen en Sum til Raadighed for Overinspektøren til Uddeling som Opmuntringspræmier for Børn, der er under Værgeraadsforsorg eller for mindre end 3 Aar siden er udgaet af saadan Forsorg. Uddelingen sker efter Forhandling med det Værgeraad, der har eller har haft Forsorgen for Barnet, eller vedkommende Forstander, hvis Barnet er eller har været anbragt i et Opdragelseshjem.

§ 92.

Til Institutioner for forebyggende Børneforsorg yder Staten Tilskud efter særlig Lov.

§ 93.

1. Af Forsørgelseskommunen og Statskassen udredes :

Udgifter ved Børns Anbringelse udenfor Hjemmet, indtil Barnet fylder 15 Aar, jfr. dog § 90.

2. Udgifterne bæres halvt af Statskassen og halvt af Barnets Forsørgelseskommune eller den offentlige Kasse, der i Mangel af saadan ifølge Forsørgelseslovgivningen har at bære Udgiften, efter at de i Henhold til §§ 102 og 106 indgaaede Bidrag forlods er fradraget.

3. Selv om Barnets Forsørger skifter Forsørgelsessted, inden Barnet fylder 15 Aar, bæres Udgifterne vedblivende af den Kommune eller offentlige Kasse, som havde Forsørgelsespligten paa det Tidspunkt, da Værgeraadet tog Beslutning om Barnets Fjernelse,

(c) The pensions of the president and vice-president of the Copenhagen tutelary council and of the Copenhagen chief clerk;

(d) The expenses involved by the regular medical supervision of the children placed out in accredited training establishments (Art. 48).

#### ARTICLE 90.

The Public Treasury shall, moreover, provide for the expenses connected with the placing out of children over fifteen away from their homes as well as with the placing out of children in juvenile asylums.

#### ARTICLE 91.

The Public Treasury shall yearly set aside a certain sum to be held at the disposal of the inspector general in order to be distributed as encouragement awards for children who are under the protection of a tutelary council, or who, for a period of less than three years, have no longer been under such protection. These awards are to be distributed after that either the tutelary council, under whose care the child is or has been, has been consulted in the matter, or else the superintendant, who is able to give an opinion in the matter, should the child have been sent to a training establishment.

#### ARTICLE 92.

The State shall give grants to institutions for the preservation of young people in virtue of a special law.

#### ARTICLE 93.

1. The commune responsible for relief to be given together with the Public Treasury together pay :—

The cost of the placing out of children away from their homes up to the age of fifteen (nevertheless cf. Art. 90).

2. One half the costs shall be borne by the Public Treasury, the other half by the commune from which the child is entitled to receive relief or by the public fund, which, failing the relieving commune, shall bear the costs in virtue of the legislation concerning public relief, after that the sums representing the contributions to be received in virtue of Articles 102 and 106 shall have been previously deducted therefrom.

3. Even should the persons who have legal charge of the child have moved from the commune, which is bound to provide relief, previous to the child reaching fifteen, the costs shall still be borne by the said commune or by the public fund, which was bound to

eller, saafremt Barnet har været foreløbig fjernet i Henhold til § 24, paa Fjernelsens Tidspunkt.

§ 94.

1. Under Udgifter ved Børns Anbringelse udenfor Hjemmet kan medregnes alle Beløb, der anvendes til Børnenes Ophold, Beklædning, Oplæring, og Sygebehandling, for saa vidt denne ikke betales i Henhold til Lov om det offentlige Fattigvæsen Nr. 67 af 9. April 1891 §§ 61 og 62, jfr. Lov om Foranstaltninger mod smitsomme Sygdommes Udbredelse Nr. 138 af 10. Maj 1915 og Lov om Statsstøtte til tuberkuløses Sygebehandling Nr. 366 af 30. Juni 1919, samt Begravelse, og endvidere hvad der anvendes til at forberede og iværksætte Anbringelsen, saasom til Lægeunder-søgelse, Opklædning, Rejser, Dagpenge til Ledsagere o. lign.

2. Hvor Omstændighederne gør det ønskeligt, kan Værgeraadet forlange en Forskudssum udbetalt af Kommunalbestyrelsen til Dækning af Rejseudgifter ved Børnenes Anbringelse m. v.

§ 95.

1. Af Opholdskommunen og Statskassen udredes :

a) Udgifter ved Børns Forsyning med nødvendig Beklædning i Tilfælde, hvor et af Værgeraadet i Henhold til § 51 c) givet Paalæg kun kan gennemføres, naar Beklædning skaffes, samt Udgifter i Henhold til § 55.

b) Udgifter ved Værgeraadets Anbringelse af Børn i de i Kapitel IV omhandlede Institutioner for forebyggende Børneforsorg.

2. Udgifterne bæres halvt af Opholdskommunen og halvt af Statskassen, i det i 1ste Stykke under b) nævnte Tilfælde dog efter Fradrag af de i Henhold til § 103 indgaaede Bidrag.

§ 96.

1. Af vedkommende Kommune udredes :

a) Eventuelle Udgifter ved Valg af Værgeraad.

provide relief when the tutelary council came to the decision to remove the child from his home, or when he was removed, should such removal have been but a temporary measure.

#### ARTICLE 94.

1. The following may be included in the costs connected with the placing out of a child away from his home; all expenses incurred for the maintenance, clothing, education of the child together with medical attendance, in so far as such expenses are not met by what is set forth in the Law, No. 67, of April 9, 1891, Articles 61 and 62, dealing with public relief, or in the Law, No. 138, of May 10, 1915, relating to measures to be taken against the spread of infectious maladies, or in the Law, No. 366, of June 30, 1919, concerning aid to be given by the State for the treatment of those suffering from tuberculosis, as well as burial expenses, together with the expenses occasioned by all preliminary steps connected with the placing out as well as with the placing out itself, together with medical examinations, outfits, travelling, remuneration of those who have to accompany the child, &c.

2. Should circumstances require it, the tutelary council is entitled to ask the communal authorities to pay beforehand a certain sum to cover travelling expenses connected with the placing out of the children, &c.

#### ARTICLE 95.

1. The commune of the child's place of abode and the Public Treasury shall pay:—

(a) What is required to furnish the child with necessary clothing, if the order given by the tutelary council in virtue of Article 51 (c) cannot be carried out until after the clothing has been procured, as well as expenditure involved by the application of Article 55;

(b) The expenses involved by the sending of the child by the tutelary council to a child welfare preventive institution such as Chapter IV refers to.

2. One half of the expenses shall be borne by the commune where the child has his place of abode, and the other half by the Public Treasury, but after that, in the case mentioned under b of the first paragraph, the contribution collected in virtue of Article 103 has been deducted.

#### ARTICLE 96.

1. The commune which is responsible for the same shall pay:—

(a) Such expenses as may be involved by the election of a tutelary council;

b) Honorar til faste Tilsynsværger, hvor Justitsministeren godkender Ansættelse af saadanne, samt Udgifter til Medhjælp efter Justitsministerens Godkendelse og til Kontorhold for Kommunens Værgeraad, herunder Udgifter ved de i Loven paabudte Forkynnelser;

c) Befordringsgodtgørelse og Dagpenge til Værgeraadsmedlemmer paa Tjenesterejser — herunder dog ikke de i § 94 omhandlede Rejser.

2. Hvor Forholdene gør det ønskeligt, kan Værgeraadet forlange en Forskudssum udbetalt af Kommunalbestyrelsen til Dækning af de i iste Stykke under b) nævnte Udgifter.

3. For Københavns Vedkommende udredes tillige Lønning til Formand, Næstformand og Kontorchef samt Honorar til de fire valgte Medlemmer af Forretningsudvalget af Kommunens Kasse.

#### § 97.

De i § 90 omhandlede Udgifter samt Udgifter vedrørende Børn under 15 Aar, der forsøges for Statskassens Regning, afholdes forskudvis af den Kommune, hvis Værgeraad i Henhold til § 21 har taget Beslutning om Barnets Anbringelse, medmindre Barnet er anbragt i et Ungdomshjem eller foreløbig udskrevet fra et saadant, i hvilket Tilfælde Hjemmets Forstander sender Regning over Udgifterne direkte til Overværgeraadet.

#### § 98.

1. De i § 93 omhandlede Udgifter afholdes, bortset fra Tilfælde, hvor hele Betalingspligten paahviler Statskassen, forskudvis af Forsorgelseskommunen eller vedkommende offentlige Kasse, som inden Udgangen af Maj Maaned sender Overværgeraadet Opgørelse over den Statskassen paahvilende Andel af de i det sidst forløbne Regnskabsaar afholdte Udgifter.

2. Samtidig med, at Barnets foreløbige eller endelige Anbringelse udenfor Hjemmet besluttes, giver Værgeraadet Opholdskommunen Underretning herom, hvorefter denne paa den i Forsorgelseslovgivningen foreskrevne Maade har at udfinde Forsorgelseskommunen

(b) The remuneration of permanent supervisory guardians, should the Minister of Justice approve of the appointment of such guardians, as well as the allowances given by the tutelary council of the commune, should the same be approved of by the Minister of Justice, together with the expenses of the office of the said council, including the expenses connected with the giving of notices as required by the present law;

(c) The allowances for travelling expenses and the remuneration of members of the tutelary council who are travelling for matters connected with their functions—with the exception of such travelling as is mentioned in Article 94.

2. Should circumstances require it, the tutelary council may apply to the communal administration to be paid beforehand a certain sum to cover the expenses referred to under letter *b* of the first paragraph.

3. Moreover, out of the Copenhagen communal funds shall be paid the salaries of the president, vice-president and head clerk. The four elected members of the managing committee shall be remunerated from the same source.

#### ARTICLE 97.

The money for the expenses referred to in Article 90, as well as for the expenses with regard to children under fifteen, for whose protection expenses the Public Treasury is responsible, shall be advanced by the commune where the tutelary council, in virtue of Article 21, has decided to place out the child, unless the child has been placed in an asylum for juveniles or has, for the time being, been authorized to leave such establishment, in which case the superintendent of the establishment shall immediately send a statement of the expenses to the central tutelary council.

#### ARTICLE 98.

1. The money for the expenses referred to in Article 93, with the exception of any case in which the payment of expenses devolves entirely upon the Public Treasury, shall be advanced by the relieving commune or by the public fund concerned, which before the end of the month of May shall send to the central tutelary council an account showing the share, for which the Public Treasury is responsible, of the sums advanced during the preceding period.

2. The tutelary council, when it has decided to place out a child, either temporarily or permanently, away from its home, shall notify such decision to the commune where the child has its place of abode. The commune is then bound to prove, in the

og tilvejebringe dennes Anerkendelse af Barnets Forsørgelsesret. Meddelelse om Anerkendelsen tilstilles Værgeraadet. Indtil Forsørgelseskommunen, jfr. § 93, er udfundet, afholdes Udgiften med Ret til fuld Refusion fra Forsørgelseskommunen eller vedkommende offentlige Kasse af den Kommune, hvis Værgeraad i Henhold til § 21 eller hvis Værgeraadsformand i Henhold til § 24 har taget Beslutning om Anbringelsen.

§ 99.

De i § 95 omhandlede Udgifter afholdes forskudvis af Opholdskommunen, der inden Udgangen af Maj Maaned sender Overværgeraadet Opgørelse over den Statskassen paahvilende Andel i Udgifterne.

§ 100.\*

Kommunerne Opgørelser over de i §§ 97—99 omhandlede Udgifter affattes paa dertil beregnede Skemaer, der skal indeholde Oplysning om Barnets Navn og Alder, Datoen for Værgeraadets Beslutning om den Foranstaltning, der har medført Udgiften, sam Dokumentation for de enkelte Udgifters Art og Størrelse. Opgørelserne underkastes inden Indsendelsen til Overværgeraadet kommunal Revision.

§ 101.

Saa snart en Anbringelse udenfor Hjemmet har fundet Sted, og Vilkaarene er fastsat, samt naar Ændringer senere sker heri, giver Værgeraadet den betalingspligtige offentlige Kasse Meddelse herom. Denne har da at betale de efterhaanden fremkommende Regninger, for saa vidt disse er behørigt specificeret og attestet samt ledsgaget af de fornødne Regnskabsbilag. Er Barnet anbragt i Plejehjem, Tjeneste, Lære eller paa lignende Maade, skal Regningerne være attestet enten af Barnets tilsynsvært eller af det stedlige eller det anbringende Værgeraad; er det anbragt i et Opdragelseshjem, af Hjemmets Bestyrelse eller den af Værgeraadet beskikkede tilsynsførende med Hjemmet. Attestationen skal indeholde en Garanti for, at Barnet lever og opholder sig som angivet, og at Udgifterne er i Overensstemmelse med, hvad der er godkendt.

manner prescribed by the legislation dealing with public relief, which commune is responsible for the child's relief, and to obtain from such commune a recognition of the child's right to be relieved. This acknowledgment is to be communicated to the tutelary council. Until it is proved which commune is bound to provide for the child's relief (*cf.* Article 93), the money for the expenses shall be advanced, it being understood that such money shall be wholly repaid by the relieving commune or by the public fund concerned, by the commune where the tutelary council in virtue of Article 21, or where the president of the tutelary council, has decided to place out the child.

#### ARTICLE 99.

The expenses referred to in Article 95 shall be advanced by the commune where the child has his place of abode. Such commune before the end of the month of May shall send to the central tutelary council an account showing the share of the aforesaid expenses to be contributed by the Public Treasury.

#### ARTICLE 100.

The expenses referred to in Articles 97-99 shall be made out by the communes on suitable forms, showing the name and age of the child, the date of the tutelary council's decision concerning the measure which has involved the aforesaid expenses, as well as information concerning the amounts of the various disbursements and under which heading they fall. These accounts shall be checked by the communal audit office previously to being sent to the central tutelary council.

#### ARTICLE 101.

As soon as a child has been placed out away from his home, and that the conditions relating to such placing out have been settled, and, likewise, whenever any alterations or changes may be made therein later on, the tutelary council shall notify the authorities responsible for the payment. The latter shall then pay the bills as they are presented, in so far as the items of outlay are duly specified, passed and accompanied by the necessary vouchers. Should the child have been boarded out, put out to service, bound apprentice, or placed out in any other way, the accounts shall be passed either by the child's supervisory guardian, by the local tutelary council or by the council which has placed the child out. Should the child have been sent to a training establishment, the accounts shall be passed by the superintendent of the establishment

## § 102.

1. Naar Beslutning er taget om at anbringe et Barn udenfor Hjemmet, paalægger Værgeraadet den eller de forsørgelsespligtige at svare et ugentligt, maanedligt eller fjerdingaarligt Bidrag til Omkostningerne ved Barnets Anbringelse. Bidragspligten vedvarer til Barnets fyldte 18de Aar. Værgeraadet kan til enhver Tid forhøje eller nedsætte et paalagt Bidrag og bør efter Barnets fyldte 14de Aar nedsætte Bidraget, eventuelt lade det helt bortfalde, saafremt en Nedgang i Udgifterne ved Barnets Anbringelse giver Anledning dertil.

2. Naar ganske særlige Grunde taler derfor, kan Værgeraadet undlade at paalægge Bidrag. Forfaldne Bidrag kan Værgeraadet kun eftergive med Samtykke af de offentlige Kasser, der har Ret til Andel i Bidraget.

3. Bidraget ansættes efter Hensyn til, dels hvad den virkelige Udgift antages at blive, dels den bidragspligtiges Evne. Har den bidragspligtige ikke dansk Indfødsret eller ifølge traktatmæssig Hjemmel Forsørgelsesret her i Landet, ansættes hans Bidrag altid til et saadant Beløb, som den virkelige Udgift antages at ville udgøre.

4. Værgeraadets Beslutning om Paalæg af Bidrag kan af den bidragspligtige eller Forsørgelsescommunen, jfr. § 93, indankes for Overværgeraadet. Udredes hele Udgiften af Statskassen, kan Overværgeraadet forhøje et af Værgeraadet paalagt Bidrag.

## § 103.

Naar Beslutning er taget om at lade et Barn besøge en af de i Kapitel IV omhandlede Institutioner for forebyggende Børneforsorg, paalægger Værgeraadet i Overensstemmelse med Reglerne i § 102 den eller de forsørgelsespligtige at svare et passende Bidrag, der

or by the person charged by the tutelary council with the control of the training establishment. When such accounts have been passed, it should be a guarantee that the outlay is in keeping with the child's circumstances, and that the expenses incurred correspond to what is intended by the decision that has been made.

#### ARTICLE 102.

1. When it has been decided to place a child out away from his home, the tutelary council shall impose upon the person or persons responsible for the care of the child a weekly, monthly or quarterly contribution towards the expenses entailed by placing out the child. The payment of this contribution shall be compulsory until the child has turned eighteen. The tutelary council may at any moment increase or diminish the amount of the contribution; and when the child has turned fourteen the council must diminish the amount of the contribution or even suppress it entirely, should this be justified by any decrease in the outlay entailed by the keep and maintenance of the child.

2. The tutelary council may abstain from imposing a contribution in the case of quite exceptional motives suggesting that this should be done. The tutelary council can only remit any contribution that has fallen due with the approval of the authorities having a right to a certain moiety of the contribution.

3. When fixing the amount of the contribution, the supposed actual amount of the expenses and, on the other hand, the means of the party who has to contribute shall be taken into account. Should the party called upon to pay a contribution be an alien, or have no right to relief in the Kingdom in virtue of an international convention, the amount of the contribution to be paid shall nevertheless be fixed at a sum representing the supposed actual outlay.

4. The decision of the tutelary council relating to the imposition of a contribution may be referred to the central tutelary council by the party upon whom such contribution has been levied or by the commune which has to provide relief (*cf.* Article 93). Should the total outlay be covered by the Public Treasury, the central tutelary council may increase the amount of the contribution imposed by the tutelary council.

#### ARTICLE 103.

When it has been decided that the child is to frequent one of the child welfare preservative establishments referred to in Chapter IV, the tutelary council, conformably to what is set forth in Article 102, shall impose upon the party or parties who are

dog ikke bør overstige den for frivillig Benyttelse af Institutionen fastsatte Takst. Regelen i § 102, 4de Stykke finder tilsvarende Anvendelse.

§ 104.

1. Bidrag i Henhold til §§ 102 og 103 paalægger Værgeraadet ved særligt Dekret, der saa vidt muligt forkyndes for den bidragspligtige efter Reglerne i § 28, idet en Genpart af Dekretet overleveres den paalgældende.

2. Bidragsdekreter maa ikke lyde paa Betaling af Bidrag for mere end 3 Maaneder forud for Dekretets Dato og Forfalldsdagen ikke sættes tidligere end Dekretets Dato; Bidraget maa ikke forlanges betalt forud.

3. Naar Dekretet er forkyndt eller forsøgt forkyndt, tilstilles det vedkommende Kommune eller offentlige Kasse, som skal deltagte i Betaligen af Udgiften, medens en Genpart tilstilles Overværgeraadet. Skal Statskassen bære hele Udgiften, tilstilles Dekretet Overværgeraadet.

4. Den bidragspligtiges Opholdskommune skal paa Begæring yde vedkommende Kommune, offentlige Kasse eller Overværgeraadet Bistand ved Indkrævning og Modtagelse af Bidrag.

5. Bidragene kan inddrives og om fornødent fordres afsonet efter de Regler, som gælder med Hensyn til Underholdsbidrag til Børn.

§ 105.

Betales et af Værgeraadet paalagt Bidrag ikke til Forfaldstid, skal det saa vidt muligt afkraeves den bidragspligtige senest 2 Maaneder derefter. Er Bidraget ikke betalt senest Tremaanedersdagen efter Forfaldstid, betragtes det som en den bidragspligtige paa nævnte Dag ydet Fattighjælp. Er Udpantning tidligere forgæves forsøgt, betragtes Bidraget som en paa Udpantningsdagen ydet Fattighjælp. For saa vidt Barnet og den forsorgelsespligtige ifølge § 93, 3die Stykke, eller Lov om det offentlige Fattigvaesen Nr. 67 af 9. April 1891 § 22, sidste Stykke, har forskelligt Forsorgelsessted, bliver saadan Fattighjælp af den bidragspligtiges Forsorgelseskommune at refundere

bound to look after the child the payment of a suitable contribution, which however, is not to exceed what is required from those who may frequent such establishment voluntarily. What is set forth in paragraph 4 of Article 102 is applicable in the present case.

#### ARTICLE 104.

1. The contribution referred to in Articles 102 and 103 shall be imposed by the tutelary council by means of a special order which shall be served, in so far as it may be possible, conformably to what is laid down in Article 28, upon the party who is obliged to pay the contribution, i.e., a copy of the order shall be delivered to the party in question.

2. The order determining the contribution cannot require the latter to be paid farther back than three months preceding the date of the order, and such contribution cannot be held to fall due previous to the order being issued. No payment of the contribution can be required before its falling due.

3. When notice of the order has been served, or endeavours have been made to serve it, the order shall be sent to the commune or the authorities concerned having to pay a share of the expenses, whilst that a copy shall be sent to the central tutelary council. Should the total amount be borne by the Public Treasury, the order shall be sent to the central tutelary council.

4. The commune, where the party, upon whom payment of a contribution has been imposed, has his place of abode, shall, if requested to do so, give every assistance to the commune concerned in the matter, the public fund authorities or the central tutelary council in order to recover the amount of the contribution.

5. The contribution may be recovered and, if necessary, may be required to be sent conformably to the rules laid down as regards the contribution towards the keep and maintenance of children.

#### ARTICLE 105.

Should the contribution imposed by the tutelary council not be paid when it falls due, the party upon whom payment of such contribution has been imposed shall be required, in so far as this is possible, to pay it, at the latest, two months from the day on which it shall fall due. Should the contribution not have been paid, at the latest, on the last day of the quarter following upon the date when it has fallen due, it shall be considered as assistance given from the public relief fund that day to the party upon whom the contribution has been imposed. Should a distraint for the same have been previously attempted, but in vain, the contribution is

fuldt ud til Barnets Forsørgelsescommune, ligesom Bidrag i Henhold til § 103, naar de bliver Fattighjælp, skal refunderes Opholdskommunen fuldt ud af den bidragspligtiges Forsørgelsescommune.

#### § 106.

Et af Overørvigheden godkendt eller fastsat Bidrag til et Barns Underhold overgaar, naar Barnet anbringes udenfor Hjemmet, til de efter denne Lov betalingspligtige Kasser fra Anbringelsesdagen at regne. Den Kommune, som forskudsvis afholder Udgifterne ved Barnets Anbringelse, skal i Overensstemmelse med den for saadanne Underholdsbidrag gældende Lovgivning kræve Bidraget udbetalt af det offentlige eller tilsvare Statskassen dens Andel i Bidraget. I de i § 90 omhandlede Tilfælde skal Overværgeraadet kræve Bidraget udbetalt af det offentlige.

#### § 107.

For Benyttelsen af Retsmidler saavel som for Udskrifter og lignende vedrørende de i denne Lov omhandlede Forhold betales intet Gebyr.

### KAPITEL X.

#### Overgangsbestemmelser.

#### § 108.

Denne Lov træder i Kraft den 1. Januar 1923; dog kan de i §§ 2—3 og 6 ommeldte Valg foretages forinden, og disse Valg gælder indtil 1. April 1925. Fra samme Dato ophæves med de i efterfølgende Paragraffer tagne Forbehold

to be considered as assistance from the public relief fund given upon the day of the distress. Should the child and the party who is bound to care for the child be of different communes for purposes of relief in consequence of the application of paragraph 3 of Article 93 or of the last paragraph of Article 22 of the law, No. 67 of April 9, 1891, relating to public relief, the relief in question must be entirely refunded by the relieving commune of the party upon whom the contribution has been imposed to the commune responsible for the relief of the child. Similarly, when the contribution imposed by virtue of Article 103 becomes assistance from the public relief fund, such contribution shall be entirely refunded to the commune of the place of abode by the commune responsible for the relief of the party upon whom the contribution has been imposed.

#### ARTICLE 106.

Any contribution towards the keep and maintenance of a child, which has been approved of and determined by the superior authority, shall pass, when the child has been placed out away from his home, to the funds which are charged with the payment of expenses in virtue of the present law, counting from the day on which the child has been placed out.

The commune, advancing the money for the child to be placed out, shall, conformably to the legal provisions concerning the aforesaid maintenance contributions, claim back from the Public Treasury payment of the contribution or its share of such contribution. In the cases specified in Article 90 the central tutelary council shall claim back payment of the contribution from the Public Treasury.

#### ARTICLE 107.

No expenses are to be counted for recourse to legal measures, or for the procuring of legal documents or copies or any other legal instruments that may be necessary in connection with the formalities that are required to be complied with by the present law.

### CHAPTER X.

#### Temporary provisions.

#### ARTICLE 108.

The present law shall come into operation on January 1, 1923; nevertheless, the elections referred to in Articles 2, 3 and 6 may take place before this date and these elections hold good until April 1, 1925. The following laws shall be abrogated at this same

Lov Nr. 72 af 14. April 1905 om Behandling af forbryderske og forsømte Børn og unge Personer m. m. med Tillægslov Nr. 107 af 23. April 1915.

Lov Nr. 130 af 27. Maj 1908 om Børn udenfor Æteskab og disses Forældre § 9.

Lov Nr. 101 af 4. Marts 1918 om Ændringer i Lov Nr. 124 af 29. April 1913 om Understøttelse til Børn af Enker § 2, 2det—4de Punktum.

§ 109.

Bortset fra København opretholdes de i Henhold til Lov Nr. 72 af 14. April 1905 foretagene Delinger af Kommuner i flere Værgeraadskredse, medmindre Ændring finder Sted i Henhold til denne Lovs § 1.

§ 110.

Anerkendelser, meddelte Opdragelseshjem eller Foreninger i Henhold til Lov Nr. 72 af 14. April 1905, forbliver i Kraft.

§ 111.

1. Lov Nr. 72 af 14. April 1905 vedbliver at være anvendelig med Hensyn til Udøvelsen af Forsorgen for Børn, der ved denne Lovs Ikrafttræden i Henhold til førstnævnte Lovs § 11 er endeligt fjernet fra Hjemmet. Dog kan det Værgeraad, som har besluttet Fjernelsen, kræve at overtage den fremtidige Forsorg for Barnet, og denne Lovs Regler bliver da anvendelige.

2. Denne Lovs Kapitel VI kommer til Anvendelse paa alle Børn, som ved Lovens Ikrafttræden er undergivet Værgeraadsforsorg.

§ 112.

De i denne Lov givne Regler om Udgiften af Udgiften finder Anvendelse fra den Dag, Loven træder i Kraft, selv om Beslutningen er truffet forinden.

BULOW.

N. G. Frøkjær.

date, with the exception of what is laid down in the following Articles :—

The law, No. 72, of April 14, 1905, concerning the treatment of children and young persons, who are either delinquent or neglected, &c., as well as the complementary law, No. 107, of April 23, 1915.

Article 9 of the law, No. 130, of May 27, 1908, relating to natural children and their parents.

Heads 2 and 4 of Article 2 of the law, No. 101, of March 4, 1908, amending the law, No. 124 of April 29, 1913, dealing with the relieving of the children of widows.

#### ARTICLE 109.

With the exception of Copenhagen, the division of communes into several tutelary council districts carried out in virtue of law, No. 72, of April 14, 1905, shall be maintained, except in so far as such arrangements are in any way changed in virtue of Article 1 of the present law.

#### ARTICLE 110.

Official recognition conferred upon training establishments or associations in virtue of law, No. 72, of April 14, 1905, shall remain unaffected.

#### ARTICLE 111.

1. The law, No. 72, of April 14, 1905, shall remain applicable in view of the protection to be given to children who, after the coming into operation of the present law, shall be definitively removed from their homes by virtue of Article 11 of the above-mentioned law. Nevertheless, the tutelary council which has decided that the child be removed may require that the subsequent protection of the child be transferred to it, and on this being done the provisions of the present law are then applicable.

2. The provisions of Chapter VI of the present law are applicable to all children who, on the present law coming into operation, happen to be under the protection of any tutelary council.

#### ARTICLE 112.

The provisions of the present law concerning the payment of expenses are to be considered as applicable from the day when the law comes into operation, even if the decision has been previously taken.

(S.) BULOW.







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(2) Should the local relief board, whose relieving duties have been assumed by the C. Y. C. O., be bound to bear definitively the expenses thereof, it shall be obliged to reimburse these expenses to the Office, for so far as the directions contained in No. 1 do not assign them definitively to the Office. For so long as relief is given by the C. Y. C. O. the local relief board has no right to require, conformably to Article 32 of the Reich law relating to the domiciliary relieving district, that the necessitous minor be in a direct manner handed over to its care.

ART. 52.—The Reich government may direct that in the case of certain categories of minors mentioned in Article 51, the rights and obligations of the local relief boards be transferred to the C. Y. C. O.s. This order is subject to the consent of the Reichsrat. Failing such order of the Reich government, the superior authority of a State may issue one.

What is laid down in Article 51, § 2, is applicable in this case.

ART. 53.—The provisions contained in Article 30, §§ 3 and 4, and 30a, are applicable to claims for reimbursement mentioned in Articles 50, Nos. 1 to 3, 51, § 2, phrase 1, and 52, § 2.

Differences shall be settled according to the procedure laid down as regards contested claims for reimbursement between relief boards in accordance with Article 34 and what follows of the Reich law dealing with the domiciliary relieving district and by the regulations for the execution of this law promulgated by the States.

ART. 54.—If, in virtue of a law of the State, certain functions connected with public relief have been transferred to State relief agencies, this transfer shall also apply as regards the public relief of minors referred to in Article 50.

State public relief bodies may have recourse to the help and assistance of the C. Y. C. O.s and the S. Y. C. O.s as regards the administering of relief. Regulations on this subject will be published by the State laws.

ART. 55.—Should it be necessary, in order to obviate the abandonment of a necessitous minor, to isolate him from his former surroundings, the directions for the training of minors by the public relief authorities shall be applicable.

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## ABSCHNITT VI.

## Die Schutzaufsicht und die Fürsorgeerziehung.

## I. — DIE SCHUTZAUFSICHT.

§ 56. — Ein Minderjähriger ist unter Schutzaufsicht zu stellen, wenn sie zur Verhütung seiner körperlichen, geistigen oder sittlichen Verwahrlosung geboten und ausreichend erscheint.

§ 57. — Das Vormundschaftsgericht ordnet die Schutzaufsicht von Amts wegen oder auf Antrag an. Antragsberechtigt sind die Eltern, der gesetzliche Vertreter oder das Jugendamt. Das Vormundschaftsgericht muss das Jugendamt vor der Entscheidung über die Schutzaufsicht hören.

Die Entscheidung des Vormundschaftsgerichts ist den in Abs. 1 Genannten und dem Minderjährigen, wenn er das 14. Lebensjahr vollendet hat, bekannt zu geben, soweit ihr Inhalt nach dem Ermessen des Vormundschaftsgerichts ihm ohne erzielichen Nachteil mitgeteilt werden kann.

Ist das Vormundschaftsgericht nicht das des gewöhnlichen Aufenthaltsorts des Minderjährigen, so soll auf Antrag des Jugendamts die Abgabe an dieses Gericht gemäss § 46 des Reichsgesetzes über die Angelegenheiten der freiwilligen Gerichtsbarkeit stattfinden, sofern nicht besondere Gründe dagegen sprechen.

§ 58. — Die Schutzaufsicht besteht in dem Schutz und der Ueberwachung des Minderjährigen. Derjenige, der die Schutzaufsicht ausübt (Helfer), hat den Erziehungsberechtigten bei der Sorge für die Person des Minderjährigen zu unterstützen und zu überwachen. Die Schutzaufsicht umfasst die Sorge über das Vermögen nur, insoweit der Arbeitsverdienst des Minderjährigen in Betracht kommt.

Der Helfer kann für alle Angelegenheiten, für gewisse Arten von Angelegenheiten oder für einzelne Angelegenheiten bestellt werden.

Ueber den Umfang seines Wirkungskreises entscheidet die Bestellung.

Der Helfer hat bei der Ansübung seines Amtes das Recht auf Zutritt zu dem Minderjährigen. Die Eltern, der gesetzliche Vertreter und die Personen, denen der Minderjährige zur Verpflegung und Erziehung übergeben ist, sind verpflichtet, dem Helfer Auskunft zu geben.

Der Helfer hat dem Vormundschaftsgerichte jeden Fall, in dem es zum Einschreiten berufen ist, unverzüglich anzuzeigen.

## CHAPTER VI.

## Preventive Supervision and Prudential Training.

## I.—PREVENTIVE SUPERVISION.

ART. 56.—Any minor is to be placed under preventive supervision (*Schutzaufsicht*), when such appears fitting and adequate, in order to obviate his physical, intellectual or moral abandonment.

ART. 57.—The tutelary tribunal shall order that the minor be placed under preventive supervision, either acting at its own discretion or at the request of the parents or of the legal representatives of the C. Y. C. O.

The tutelary tribunal shall consult the C. Y. C. O. with reference to this supervision.

The tutelary tribunal's decision shall be communicated to the persons mentioned in § 1, as well as to the minor, if he has turned fourteen, and if, in the opinion of the tribunal, such notification shall not be detrimental to his training.

Should the tutelary tribunal not be the tutelary tribunal of the locality where the minor has his habitual place of abode, the case must be brought before the latter, at the request of the C. Y. C. O., conformably to Article 46 of the Reich law on the gratuitous administration of justice, unless, however, there are special reasons to the contrary.

ART. 58.—Preventive supervision includes the protection and supervision of a minor. The person to whom preventive supervision is entrusted (the "helper") must help and supervise the person charged with the minor's education in all that regards the care and attention that the minor may require.

The helper's duties may be of a comprehensive nature, or may be confined to certain matters or a certain matter. Preventive supervision does not include the management of money affairs, except in so far as such money accrues from the minor's own work.

The scope of his duties is defined when he is appointed.

The "helper" has a right to have access to the minor in order to carry out his duties. The parents, the legal representative and the persons to whose care the minor is committed for his maintenance and training are bound to keep the helper informed of all facts connected with the same.

The "helper" is bound at once to inform the tutelary tribunal every time that anything may call for the tribunal's interference.

§ 59. — Die Schutzaufsicht erlischt mit der Volljährigkeit des Minderjährigen oder durch die rechtskräftige Anordnung der Fürsorgeerziehung. Sie ist aufzuheben, wenn ihr Zweck erreicht oder die Erreichung anderweit sichergestellt ist.

§ 60. — Die Ausübung der Schutzaufsicht wird vom Vormundschaftsgerichte dem Jugendamt oder nach Anhörung des Jugendamts einer Vereinigung für Jugendhilfe oder einer einzelnen Person, soweit die beiden letzteren zur Uebernahme der Schutzaufsicht bereit sind, übertragen. Bei der Uebertragung ist auf das religiöse Bekenntnis oder die Weltanschauung des Minderjährigen tunlichst Rücksicht zu nehmen. Das Vormundschaftsgericht hat den Helfer zu entlassen, wenn dies dem Wohle des Minderjährigen förderlich erscheint. Die näheren Bestimmungen über die Ausübung werden von der Reichsregierung mit Zustimmung des Reichsrats oder von der obersten Landesbehörde betroffen.

Ueber die Führung des unter Schutzaufsicht gestellten Minderjährigen ist dem Vormundschaftsgericht auf Verlangen Bericht zu erstatten.

Das Jugendamt kann die Schutzaufsicht ohne gerichtliche Anordnung ausüben, solange der Erziehungsberechtigte damit einverstanden ist; er hat in diesem Falle das Vormundschaftsgericht von dem Eintritt der Schutzaufsicht zu benachrichtigen.

§ 61. — Eine zur Zeit der Anordnung der Schutzaufsicht bestehende Beistandschaft (§§ 1687 ff. des Bürgerlichen Gesetzbuchs) soll insoweit aufgehoben werden, als sich ihr Wirkungskreis mit dem der Schutzaufsicht deckt.

## 2. — DIE FÜRSORGEERZIEHUNG.

§ 62. — Die Fürsorgeerziehung dient der Verhütung oder Beseitigung der Verwahrlosung und wird in einer geeigneten Familie oder Erziehungsanstalt unter öffentlicher Aufsicht und auf öffentliche Kosten durchgeführt.

§ 63. — Ein Minderjähriger, der das 18. Lebensjahr noch nicht vollendet hat, ist durch Beschluss des Vormundschaftsgerichts der Fürsorgeerziehung zu überweisen;

1. Wenn die Voraussetzung des § 1666 oder des § 1838 des Bürgerlichen Gesetzbuchs vorliegen und die Entfernung des Minderjährigen aus seiner bisherigen Umgebung zur Verhütung der Verwahrlosung erforderlich ist, eine nach dem Ermessen des Vormundschaftsgerichts geeignete Unterbringung aber anderweit nicht erfolgen kann;

ART. 59.—Preventive supervision shall cease when the minor comes of age, or in virtue of a decision, having legal force, of the educators to whom he has been entrusted (*Fürsorgeerziehung*). It shall be discarded as soon as its object has been attained, or if this object can be attained in other ways.

ART. 60.—The exercise of preventive supervision shall be entrusted by the tutelary tribunal to the C. Y. C. O. or, the C. Y. C. O. having been previously consulted, to a youth aid association or to a single person, should the two latter accept to undertake this duty. In making such choice, the religion and the convictions of the minor shall, as far as possible, be taken into account. The tutelary tribunal shall dismiss the "helper," should such measure be to the minor's advantage. The regulation concerning the exercise of preventive supervision shall be issued by the Reich Government with the consent of the Reichsrat or by the superior authorities of the States.

A report shall be made to the tutelary tribunal, should the latter require it, of the conduct of the minor who has been put under preventive supervision.

The C. Y. C. O. may exercise preventive supervision, without being commissioned to do so by the tribunal, so long as the party entrusted with the training of the minor agrees to the same; in such case it shall notify the tribunal of the same before the preventive supervision begins.

ART. 61.—Should there exist, when the preventive supervision has been instituted, a council (*Beistandschaft*) (Art. 1687 and what follows of the Civil Code), such council shall be set aside so far as its functions involve any overlapping with those of the preventive supervision.

## 2.—PRUDENTIAL TRAINING.

ART. 62.—Prudential training is intended to obviate or put an end to abandonment. It is provided at the expense of the community and under the control of the authorities, and is given in a family or suitable establishment.

ART. 63.—The tutelary tribunal shall see that every minor under eighteen receives prudential training.

(1) Under such conditions, specified by Articles 1666 or 1838 of the Civil Code, as warrant the removal of the minor from his previous surroundings in order to obviate abandonment and that in the opinion of the tribunal no other suitable provision is possible.

2. Wenn die Fürsorgeerziehung zur Beseitigung der Verwahrlosung wegen Unzulänglichkeit der Erziehung erforderlich ist.

Für den Fall, dass Aussicht auf Erfolg der Fürsorgeerziehung besteht, kann diese auch noch angeordnet werden, wenn der Minderjährige das 18., aber noch nicht das 20. Lebensjahr vollendet hat.

Massgebend für die Altersgrenze ist der Zeitpunkt, in dem der Antrag bei Gericht eingeht oder das Verfahren gemäss § 65 oder § 67 eingeleitet wird; der Zeitpunkt ist aktenkundig zu machen.

§ 64. — Artikel 135 des Einführungsgesetzes zum Bürgerlichen Gesetzbuch wird aufgehoben.

§ 65. — Das Vormundschaftsgericht beschliesst von Amts wegen oder auf Antrag. Antragsberechtigt ist das nach § 8 zuständige Jugendamt. Das Antragsrecht kann Landesgesetzlich ausgedehnt werden.

Das Vormundschaftsgericht muss vor der Beschlussfassung das Jugendamt, es soll, soweit dies ohne erhebliche Schwierigkeiten geschehen kann, den Minderjährigen, seine Eltern und seinen gesetzlichen Vertreter hören; weitere Anhörungen kann die Landesgesetzgebung vorschreiben.

Der Beschluss ist mit Gründen zu versehen und muss, wenn er auf Anordnung der Fürsorgeerziehung lautet, den Eintritt der gesetzlichen Voraussetzungen unter Bezeichnung der für erwiesen erachteten Tatsachen feststellen.

Das Vormundschaftsgericht kann die ärztliche Untersuchung des Minderjährigen anordnen und auf die Dauer von höchstens sechs Wochen ihn in einer zur Aufnahme von jugendlichen Psychopathen geeigneten Anstalt oder in einer öffentlichen Heil- und Pflegeanstalt zur Beobachtung unterbringen lassen.

Der die Fürsorgeerziehung anordnende Beschluss ist den Antragsberechtigten, dem gesetzlichen Vertreter, den Eltern, der Fürsorgeerziehungsbehörde und ferner dem Minderjährigen selbst, wenn er das 14. Lebensjahr vollendet hat und insoweit sein Inhalt nach dem Ermessen des Vormundschaftsgerichts ihm ohne erziehlichen Nachteil mitgeteilt werden kann, zuzustellen. Der die Fürsorgeerziehung ablehnende Beschluss ist dem Antragsteller, der Fürsorgeerziehungsbehörde und, wenn eine vorläufige Fürsorgeerziehung (§ 67) angeordnet ist, ferner allen Personen zuzustellen, denen diese Anordnung zugestellt ist.

Gegen den Beschluss steht die sofortige Beschwerde mit aufschiebender Wirkung den Antragsberechtigten, der Fürsorgeerziehungsbehörde und, wenn der Beschluss auf Fürsorgeerziehung lautet,

(2) When, in order to put an end to the abandonment, prudential training is a *sine qua non*, on account of the inadequacy of the former training given.

Should the prudential training seem to offer any guarantee of success, it may also be directed to be given when the minor is over eighteen, but under twenty.

The age to be taken here shall be the minor's age on the day that the application is made to the tribunal, or when the case is brought as specified in Article 65 or Article 67; due note shall be officially taken of this calculation.

ART. 64.—Article 135 of the law of introduction to the Civil Code is abrogated.

ART. 65.—The tutelary tribunal shall act at its own discretion or upon an application made to it. The right to make such application belongs to the Y. C. O. (Youth Care Office) which is competent in the matter according to Article 8. The right to make an application may be extended by the legislation of the States.

Prior to taking any decision, the tutelary tribunal shall consult the C. Y. C. O. The minor, his parents and his legal representative shall be heard, should this not involve any serious inconvenience. The legislation of the States may direct other persons to be heard.

The grounds on which the order has been based shall be given, and if it directs that prudential training be given, it shall state that the conditions are such as are specified by the law and mention the facts which have been admitted as having been proved.

The tutelary tribunal may direct the minor to be medically examined and put under observation for a period of six weeks in a suitable establishment intended for young people suffering from mental disorders, or in a public hospital.

The decision of the tribunal ordering preventive supervision shall be notified to whomsoever has the right of making an application, to the legal representative, to the parents, to the authorities charged with the prudential training, and, lastly, to the minor himself should he be over fourteen, and should such notification not offer any inconvenience as regards his training. A decision refusing prudential training shall be notified to the applicant, to the authorities charged with the prudential training, and, should temporary prudential training (Art. 67) be directed, to all the persons to whom notification of the same has been made.

The following have a right to appeal immediately, such appeal to be suspensive in its effect, from the decision, viz., persons entitled to make an application, authorities charged with prudential training,

ferner dem gesetzlichen Vertreter, den Eltern und den Minderjährigen zu, wenn er das 14. Lebensjahr vollendet hat.

Ist das Vormundschaftsgericht nicht das des gewöhnlichen Aufenthaltsorts des Minderjährigen, so soll auf Antrag des Jugendamts die Abgabe an dieses Gericht gemäss § 46 des Reichsgesetzes über die Angelegenheiten der freiwilligen Gerichtsbarkeit stattfinden, sofern nicht besondere Gründe dagegen sprechen.

§ 66. — Das Fürsorgeerziehungsverfahren kann durch Beschluss des Vormundschaftsgerichts auf längstens ein Jahr ausgesetzt werden. Die Aussetzung kann aus besonderen Gründen durch Beschluss des Vormundschaftsgerichts auf höchstens ein weiteres Jahr verlängert werden. Ueber das vollendete 20. Lebensjahr hinaus kann das Verfahren nicht ausgesetzt werden.

Gegen die Aussetzung steht dem Jugendamt und der Fürsorgeerziehungsbörde das Recht der sofortigen Beschwerde zu. Für die Dauer der Aussetzung muss eine Schutzaufsicht gemäss §§ 56 ff. angeordnet werden.

§ 67. — Bei Gefahr im Verzuge kann das Vormundschaftsgericht die vorläufige Fürsorgeerziehung des Minderjährigen beschliessen; gegen den Beschluss steht den im § 65, Abs. 6, Genannten die sofortige Beschwerde zu. § 18, Abs. 2, des Reichsgesetzes über die Angelegenheiten der freiwilligen Gerichtsbarkeit findet keine Anwendung.

§ 68. — Für schleunige, auf Grund dieses Abschnitts zu treffende Massregeln ist neben dem im § 43 des Reichsgesetzes über die Angelegenheiten der freiwilligen Gerichtsbarkeit bezeichneten Gericht einstweilen auch dasjenige Gericht zuständig, in dessen Bezirk das Bedürfnis der Fürsorge hervortritt. Das Gericht hat von der angeordneten Massregel dem endgültig und nunmehr ausschliesslich zuständigen Gerichte Mitteilung zu machen.

§ 43, Abs. 2, des Reichsgesetzes über die Angelegenheiten der freiwilligen Gerichtsbarkeit findet auch Anwendung, wenn über die Person, in Ansehung deren eine Verrichtung des Vormundschaftsgerichts erforderlich wird, eine Schutzaufsicht oder ein Fürsorgeerziehungsverfahren anhängig ist.

§ 69. — Im Falle der Familienerziehung ist der Minderjährige mindestens bis zum Aufhören der Schulpflicht in einer Familie seines Bekenntnisses, im Falle der Anstaltserziehung soweit möglich in einer Anstalt seines Bekenntnisses unterzubringen.

and, should prudential training have been directed to be given, the legal representative, the parents, and the minor, should he have turned fourteen.

Should the tutelary tribunal not be the one of the district where the minor has his habitual abode, the case must be brought before the latter, should the C. Y. C. O. apply for this to be done, in conformity with Article 46 of the Reich Law dealing with the gratuitous administration of justice, unless there are special reasons to the contrary.

ART. 66.—The procedure in a case of prudential training may not be suspended for more than a year by a decision of the tutelary tribunal. However, for special reasons, the tutelary tribunal may suspend it for one year longer at the most. There can be no suspension after the minor has turned twenty.

The C. Y. C. O. and the authorities charged with the prudential training have a right to appeal at once against the suspension. For so long as the latter is operative, preventive supervision shall be established in conformity with Article 56 and what thereafter follows.

ART. 67.—Should the matter brook no delay, the tutelary tribunal may direct prudential training to be given to the minor temporarily. The following are entitled to appeal immediately against this decision, viz., the persons specified in Article 65, § 6. Article 18, § 2, of the Reich Law dealing with the gratuitous administration of justice is not applicable.

ART. 68.—The following is provisionally competent, in addition to the tribunal mentioned in Article 43 of the Reich Law dealing with the gratuitous administration of justice, to direct measures to be taken, in case of emergency, in connection with the matter of this chapter, viz., the tribunal within whose area of jurisdiction the need has arisen of dealing with the minor. The tribunal must then notify the measures directed to be taken to the tribunal which henceforth is to be regarded alone as competent in the matter.

Article 43, § 2, of the Reich Law dealing with the gratuitous administration of justice shall also be applicable in a case in which a proposal in favour of preventive supervision or prudential training has been lodged in connection with the person about whose case the tutelary tribunal has to deliberate.

ART. 69.—When the minor has to be placed in a family, one professing his religion must be chosen, at least until the time when the minor has finished his school studies. If the minor has to be placed in an establishment, an institution is to be chosen of his own religious persuasion.

Minderjährige ohne Bekenntnis sollen nur mit ihrem Einverständnis, sofern sie ihr Bekenntnis selbst bestimmen können, andernfalls mit demjenigen des Erziehungsberechtigten in einer Familie oder in einer Anstalt eines bestimmten Bekenntnisses untergebracht werden.

Den Erziehungsberechtigten muss von dem Ort der Unterbringung des Kindes sofort Mitteilung gemacht werden, sofern dadurch der Erziehungszweck nicht ernstlich gefährdet wird. Gegen eine Verweigerung dieser Mitteilung steht den Erziehungsberechtigten das Recht der Beschwerde an das Vormundschaftsgericht zu.

In Ausführung einer angeordneten Fürsorgeerziehung kann die Erziehung in der eigenen Familie der Minderjährigen unter öffentlicher Aufsicht widerruflich angeordnet werden, wenn dadurch die Erreichung des Zweckes der Fürsorgeerziehung nicht gefährdet wird. Innerhalb der ersten drei Monate nach Ausführbarkeit des Fürsorgeerziehungsbeschlusses bedarf die Anordnung der Zustimmung des Vormundschaftsgerichts. Gegen die Verweigerung der Zustimmung steht der Fürsorgeerziehungsbehörde die sofortige Beschwerde zu.

§ 70. — Die Landesgesetzgebung regelt die Ausführung der Fürsorgeerziehung und bestimmt die Fürsorgeerziehungsbehörde sowie die Träger ihrer Kosten. Nach Möglichkeit ist die Fürsorgeerziehungsbehörde mit dem Landesjugendamt zu vereinigen. Die durch die vorläufige Fürsorgeerziehung entstehenden Kosten fallen dem für die endgültige Anordnung der Fürsorgeerziehung zuständigen Kostenträger auch dann zur Last, wenn die Fürsorgeerziehung endgültig nicht angeordnet wird. Besteht über den Ersatz der Kosten zwischen den Fürsorgeerziehungsbehörden für den gewöhnlichen und vorübergehenden Aufenthaltsort Streit, so gilt § 7, Abs. 2, entsprechend.

Eine von dem zuständigen Vormundschaftsgericht angeordnete Fürsorgeerziehung eines Minderjährigen muss von der Fürsorgeerziehungsbehörde des Ortes, der die Zuständigkeit des Vormundschaftsgerichts begründet hat, ausgeführt werden. Sie soll regelmässig sich bei der Ausführung der Fürsorgeerziehung der Jugendämter bedienen. Die Ausführbarkeit der Fürsorgeerziehung tritt mit der Rechtskraft, bei der vorläufigen Fürsorgeerziehung mit dem Erlass des Beschlusses ein. Die Unterbringung soll unter ärztlicher Mitwirkung erfolgen. Minderjährige, die an geistigen Regelwidrigkeiten leiden (Psychopathie, Epilepsie, schwere Erziehbarkeit, usw.) oder an schweren ansteckenden Erkrankungen (Tuberkulose, Geschlechtskrankheiten, usw.), sind, soweit es aus hygie-

A minor professing no religion shall not be placed in a family or establishment where a definite religion is professed, unless this is done with his consent, should he be able to declare what his convictions are, otherwise the consent must be obtained of those who have charge of his education.

The person who is entitled to see to the minor's education must be informed at once of the place where he has been placed out, should the aim and object of his education run no danger of being seriously compromised thereby. Such person may appeal to the tutelary tribunal in the case of any refusal to afford such information.

For so long as it may be deemed suitable, when prudential training has been directed to be given, such prudential training may be given in the minor's own home, under the supervision of the authorities should there be no risk of the training suffering thereby. The preceding measure must be sanctioned by the tutelary tribunal within the three months following upon the carrying out of the decision relating thereto. The authority charged with the prudential training may immediately appeal against any refusal to give such sanction.

ART. 70.—The legislation of the States shall regulate the application of prudential training and shall designate the prudential educational authority, as well as the persons who have to bear the cost of such training. In so far as possible, the prudential training authority shall be the S. Y. C. O. The cost of temporary prudential training shall be borne by the person who would have to bear the cost of definitive prudential training even should the latter have not been directed to be given. In case of any dispute between the prudential training authority of the district where the minor usually resides and the prudential training authority of the district where his place of abode is for the time being, the matter shall be decided by what is laid down in Article 7, § 2.

The carrying out of prudential training measures with regard to a minor as ordered by the tutelary tribunal competent in the matter shall be the duty of the prudential training authorities of the district which has determined the jurisdiction of the tutelary tribunal. As a general rule recourse shall be had to the services of the C. Y. C. O. in order that the prudential training measures may be applied. Prudential training is supposed to begin from the moment that the matter has acquired force and authority of final judgment; temporary prudential training from the moment that the decision of the tribunal is published. A doctor's assistance shall be given in the placing out of a minor. Minors suffering from mental infirmities (psychopathy, epilepsy, ineducability, &c.)

nischen oder pädagogischen Gründen geboten erscheint, in Sonderanstalten oder Sonderabteilungen unterzubringen.

Die Fürsorgeerziehungsbehörde gilt für den Abschluss von Dienst- und Lehrverträgen als gesetzlicher Vertreter des Minderjährigen.

Die Fürsorgeerziehungsbehörde ist befugt, die Entmündigung eines Fürsorgezöglings wegen Geisteskrankheit oder Geistesschwäche zu beantragen.

§ 71. — Das Landesjugendamt ist, soweit es nicht selbst Fürsorgeerziehungsbehörde ist, nach näherer Bestimmung der Landesgesetzgebung bei der Ausführung der Fürsorgeerziehung zu beteiligen; es soll insbesondere bei dem Erlass allgemeiner, grundsätzlicher Anordnungen über die Art ihrer Ausführung gutachtlich gehört werden und ist zu Vorschlägen über die Ausführung befugt; ihm kann ferner die Mitwirkung bei wichtigen Massnahmen der Fürsorgeerziehungsbehörde und bei der Aufsicht über die in Anstalten seines Bezirkes untergebrachten Zöglinge sowie die Zuständigkeit zur Entscheidung von Beschwerden über Anordnungen der Fürsorgeerziehungsbehörde, die die Ausführung betreffen, übertragen werden, sofern dafür nicht die Gerichte für zuständig erklärt werden.

§ 72. — Die Fürsorgeerziehung endigt mit dem Eintritt der Volljährigkeit.

Die Fürsorgeerziehung ist früher aufzuheben, wenn ihr Zweck erreicht oder anderweitig sichergestellt ist, und zwar von Amts wegen oder auf Antrag der im § 65, Abs. 6, Genannten mit Ausnahme des Minderjährigen. Die Aufhebung kann auch unter Vorbehalt des Widerrufs erfolgen, dessen Ausübung landesgesetzlich zu regeln ist.

Landesgesetzlich kann bestimmt werden, das für die Entscheidung über die Aufhebung gemäss Abs. 2 das Vormundschaftsgericht oder die Fürsorgeerziehungsbehörde zuständig ist mit der Massgabe, dass der Antragsteller, wenn die Fürsorgeerziehungsbehörde zuständig ist und die Aufhebung ablehnt, binnen zwei Wochen seit Zustellung des ablehnenden Beschlusses die Entscheidung des Vormundschaftsgerichts anrufen kann, gegen dessen Beschluss die sofortige Beschwerde stattfindet. Sofern das Vormundschaftsgericht für die Aufhebung der Fürsorgeerziehung zuständig ist, muss es von seiner Entscheidung die Fürsorgeerziehungsbehörde gutachtlich hören; dieser steht gegen den die Fürsorgeerziehung aufhebenden Beschluss die sofortige Beschwerde mit aufschiebender Wirkung zu.

or from serious contagious diseases (venereal maladies, tuberculosis, &c.) shall be placed (should there be sufficient hygienic or pedagogical motives for so doing) in proper establishments or special divisions.

The prudential training authority shall be the minor's legal representative as regards the drawing up of deeds of apprenticeship or service.

The prudential training authorities are entitled to demand that any party subjected to prudential training by reason of physical or mental incapacity be declared incapable of managing his own affairs.

ART. 71.—In so far as the S. Y. C. O. is not charged with the duties of a prudential training authority, it shall collaborate in this training in conformity with the regulation issued by the legislation of the States. It shall especially be consulted at the time of the publication of general and fundamental regulations concerning the manner in which prudential training is to be carried out, and it has a right to make suggestions in the matter. It may, moreover, be called upon to collaborate in the taking of important measures by the prudential training authority and also with regard to the supervision of establishments within its district. It may also be invested with authority with regard to the settling of appeals from decisions of the prudential training authority relating to the application of the same, in so far as the tribunals have not been invested with competency in the matter.

ART. 72.—Prudential training terminates when the minor comes of age. Should, however, its aim have been achieved, or if the aim may be successfully achieved in some other way, the training shall be terminated at a previous date, either officially, or at the demand of the persons mentioned in Article 65, § 6, with the exception of the minor. It may also be declared to have terminated, without prejudice, however, to such measure being recalled, conformably to the rules laid down by the legislation of the States.

This legislation may lay down that this cessation, dealt with in § 2, shall be within the competence of the tutelary tribunal or of the prudential training authority, with the proviso that should the latter authority be competent in the matter and should it refuse to declare that the prudential training has terminated, the applicant may appeal to the tutelary tribunal within a fortnight from the date of such refusal; he may at once appeal from the decision of this tribunal. Should the tutelary tribunal be competent, it must before deciding, consult the prudential training authority. The latter has a right to appeal at once, such appeal to be suspensive, from the decision of the tribunal terminating the prudential training.

Der Antrag auf Aufhebung kann ausser vom Jugendamte nicht vor Ablauf eines Jahres seit der Rechtskraft des die Fürsorgeerziehung anordnenden Beschlusses gestellt, ein abgewiesener Antrag kann vor dem Ablauf von sechs Monaten nicht erneuert werden.

§ 73. — Die vorzeitige Entlassung eines Minderjährigen wegen Unausführbarkeit der Fürsorgeerziehung aus Gründen, die in der Person des Minderjährigen liegen, ist unter der Voraussetzung zulässig, dass eine anderweitige gesetzlich geregelte Bewahrung des Minderjährigen sichergestellt ist.

§ 74. — Die gerichtlichen Verhandlungen sind gebühren- und stempelfrei; die baren Auslagen fallen der Staatskasse zur Last. Die nach § 65, Abs. 2, zu hörenden Personen können im Falle ihrer Vernehmung vor Gericht Ersatz ihrer Auslagen nach den für Zeugen geltenden Vorschriften verlangen. Dies gilt jedoch nicht für den Minderjährigen und seine Eltern. Verträge über die Unterbringung von Minderjährigen zur Ausführung der Fürsorgeerziehung sind stempelfrei.

§ 75. — Die Kosten der Fürsorgeerziehung sind dem Kostenträger auf sein Verlangen aus dem pfändbaren Vermögen des Minderjährigen oder des auf Grund des Bürgerlichen Rechts zu seinem Unterhalt Verpflichteten zu erstatten. Die näheren Bestimmungen trifft die Landesgesetzgebung. Allgemeine Verwaltungskosten werden nicht ersetzt.

§ 76. — Wer, abgesehen von den Fällen der §§ 120, 235 des Strafgesetzbuches, einen Minderjährigen, bezüglich dessen das gerichtliche Verfahren auf Unterbringung zur Fürsorgeerziehung eingeleitet oder die Unterbringung zur Fürsorgeerziehung angeordnet ist, dem Verfahren oder der angeordneten Fürsorgeerziehung entzieht, oder ihn verleitet, sich dem Verfahren oder der Fürsorgeerziehung zu entziehen, oder wer ihm hierzu vorsätzlich behilflich ist, wird auf Antrag der Fürsorgeerziehungsbehörde mit Gefängnis bis zu zwei Jahren und mit Geldstrafe bis zu 100,000 Mark oder einer dieser Strafen bestraft. Die Zurücknahme des Antrags ist zulässig.

Der Versuch ist strafbar.

#### SCHLUSSBESTIMMUNGEN.

§ 77. — Welche Behörden die in diesem Gesetz der obersten Landesbehörde übertragenen einzelnen Aufgaben wahrzunehmen haben, bestimmt die Landesregierung.

§ 78. — Für die aus der Durchführung dieses Gesetzes den Trägern der Jugendwohlfahrt (§ 8) erwachsenden Kosten gewährt das

The application to terminate the prudential training cannot be made by any other than the C. Y. C. O. less than a year after the decision which laid it down has acquired the force and authority of final judgment. An application, that has already been refused, cannot be made again before six months have elapsed.

ART. 73.—If, for motives, grounded on personal reasons as regards the minor, it is found impossible to continue the prudential training, he may be sent away before the term of training expires, on condition that another mode of internment, recognized by the law, be guaranteed.

ART. 74.—All legal proceedings are free of cost and are exempt from stamp duty; all expenses are to be defrayed by the State. Persons who are called upon to attend, in accordance with Article 65, § 2, if they are called upon to give evidence before the tribunal, may claim their expenses according to the rules relating to witnesses. This, however, does not apply to a minor or his parents. Agreements for the placing out of a minor in order to assure prudential training are exempt from stamp duty.

ART. 75.—The cost of the prudential training shall be paid back, on demand, to the party who has advanced the money, out of the distrainable property of the minor or of the person who is responsible for his keep and maintenance in virtue of the civil law. The legislation of the States shall fix the rules. General expenses are not to be paid back.

ART. 76.—When proceedings have been begun with a view to subject a minor to prudential training, or such training as has been ordered, any one, with the exception of those cases which are mentioned in Article 120 and Article 235 of the Penal Code, who shall withdraw the minor from the proceedings or from the prudential training, or shall encourage him to withdraw, or any one who deliberately assists him to withdraw, shall be punished, at the demand of the prudential training authority, by a term of imprisonment not to exceed two months and by a fine not to exceed 100,000 marks, or by either of these penalties only. The complaint may be withdrawn.

The attempt is punishable.

#### FINAL PROVISIONS.

ART. 77.—The legislation of the States shall appoint the authorities which shall have competence in the affairs which the present Law places in the hands of the superior authorities of the States.

ART. 78.—In order to cover the expenses which bodies charged with youth welfare work are put to (Art. 8) by the carrying out of

Reich den Ländern einen Betrag, der bis zu anderweiter gesetzlicher Regelung, mindestens aber für die nächsten drei Jahre, auf jährlich 100 Millionen Mark festgesetzt wird. Die Grundsätze für seine Verteilung und Verwendung werden von der Reichsregierung mit Zustimmung des Reichsrats aufgestellt.

Die Neuregelung der Zuschüsse erfolgt durch den Reichshaushalt für das Rechnungsjahr 1926 oder besonderes Reichsgesetz.

### **Einführungsgesetz zum Reichsgesetz für Jugendwohlfahrt.**

**ARTIKEL 1.** — Das Reichsjugendwohlfahrtsgesetz tritt am 1. April 1924 in Kraft. Die Reichsregierung kann mit Zustimmung des Reichsrats bestimmen, dass es ganz oder teilweise für einzelne Länder oder Jugendamtsbezirke zu einem früheren Zeitpunkt in Kraft tritt. In diesem Falle gilt § 78 entsprechend.

**ART. 2.** — Vorschriften der Landesgesetze, die die Jugendwohlfahrt betreffen, bleiben insoweit unberührt, als sie mit den Bestimmungen des Reichsjugendwohlfahrtsgesetzes vereinbar sind.

**ART. 3.** — Bis zum Erlass des in § 3, Nr. 5, vorgesehenen Reichsgesetzes ist die Landesgesetzgebung befugt, die Jugendgerichtshilfe zu regeln.

**ART. 4.** — Die auf Grund der Artikel 135 und 136 des Einführungsgesetzes zum Bürgerlichen Gesetzbuch erlassenen Landesgesetze gelten als mit dem Inkrafttreten des Reichsjugendwohlfahrtsgesetzes aufgehoben.

**ART. 5.** — Die Bestimmung des § 69, Abs. 2, tritt spätestens am 1. Januar 1926 in Kraft; sie kann landesgesetzlich zu einem Zeitpunkt in Anwendung gebracht werden.

**ART. 6.** — In den Fällen des § 47 des Reichsgesetzes für Jugendwohlfahrt gelten die Anstalten als geeignet, solange nicht die Landesjugendämter auf Grund vorliegender Tatsachen gegen- teilig entscheiden.

**ART. 7.** — Die Landesgesetzgebung erlässt die zur Durchführung des Gesetzes erforderlichen Uebergangsvorschriften, soweit sie nicht von der Reichsregierung unter Zustimmung des Reichsrats getroffen werden.

**ART. 8.** — Für die ersten drei Jahre nach dem Inkrafttreten des

the present law, the Reich makes the States a fixed grant of 100 million marks, until such period as the law shall make a new regulation in the matter, but the grant shall be continued for no less a time than the period of the first three years. The Government of the Reich, with the assent of the Reichsrat, shall lay down the lines on which it shall be distributed and employed.

Provision for the renewal of the grant shall be made in the budget of the Reich for the year 1926 or by a law of the Reich.

### **Introductory Law to the Reich Law dealing with Youth Welfare Protection.**

**ARTICLE 1.**—The Reich Law dealing with Youth Welfare Protection shall come into operation, April 1, 1924. With the assent of the Reichsrat, the Reich Government may direct that it may come into operation, wholly or partially, before that date, either as to States taken as a whole, or as regards certain districts of the C. Y. C. O. In this case Article 78 shall be applied as it may be required.

**ART. 2.**—What is laid down in the State laws with respect to Youth Welfare or Protection, so far as it may be compatible with what is laid down in the Reich Law dealing with Youth Welfare or Protection, shall be maintained.

**ART. 3.**—Until the promulgation of the Reich Law referred to in Article 3, No. 5, the legislation of the States is authorized to issue regulations concerning juvenile court helpers (*Jugendgerichtshilfe*).

**ART. 4.**—Laws made by the States in virtue of Article 135 and Article 136 of the introductory law to the Civil Code shall be considered as being abrogated as soon as the Reich Law dealing with Youth Welfare and Protection shall come into operation.

**ART. 5.**—What is laid down in Article 69, § 2, shall come into operation by January 1, 1926, at the latest; the legislation of the States may fix an earlier date.

**ART. 6.**—In the cases mentioned in Article 47 of the Reich Law dealing with Youth Welfare and Protection, establishments shall be considered as being suitable ones for so long as the S. Y. C. O.s shall not have decided otherwise, such decision being based upon positive facts.

**ART. 7.**—The legislation of the States shall make such temporary provisions as may be required for the carrying out of the Law, in so far as they are not issued by the Reich Government with the assent of the Reichsrat.

**ART. 8.**—During the three years which follow the coming into

Gesetzes kann die Reichsregierung mit Zustimmung des Reichsrats einer Landesregierung auf Antrag Befreiung von der Verpflichtung zur Errichtung von Jugendämtern in überwiegend ländlichen Bezirken erteilen. Hierbei kann von dem nach § 78 auf das Land entfallenden Anteil ein entsprechender Betrag vom Reiche einbehalten werden.

ART. 9. — Solange ein Reichsverwaltungsgericht noch nicht errichtet ist, tritt an die Stelle dieses Gerichts in den Fällen des § 7 das Bundesamt für das Heimatwesen und in Fällen des § 18 das Reichsgericht.



operation of the Law, the Reich Government may, with the assent of the Reichsrat, dispense any State Government, should such government request it, from any obligation to set up C. Y. C. O.s in districts which are mainly rural. A corresponding part of the portion of the grant due to such State, in accordance with Article 78, may be retained by the Reich.

ART. 9.—For so long as there shall exist no administrative tribunal of the Reich, it shall be replaced in the cases referred to in Article 7 by the Federal Office for Nationals (*Bundesamt für das Heimatwesen*), and in the cases referred to by Article 18 by the tribunal of the Reich.



